

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**BRIAN JONES, #K56957,**

**Plaintiff,**

**vs.**

**MAC-SHANE FRANK, et al,**

**Defendants.**

**Case No. 3:19-cv-01307-SMY**

**MEMORANDUM AND ORDER**

**YANDLE, District Judge:**

This matter is before the Court on Plaintiff's Motion to Reconsider the Court's June 25, 2021 Order denying his Third Motion for Appointment of Counsel (Doc. 56). In support of his motion, Plaintiff points to his lack of a legal education and the fact the defendants are represented by counsel, which he contends makes the proceedings unfair and unjust. The vast majority of *pro se* civil litigants do not have a legal education and the opposing parties are typically represented by counsel.

The relevant inquiry is whether the difficulty of the case factually and legally exceeds Plaintiff's capacity as a layperson to present it. *See, Pruitt v. Mote*, 503 F.3d 647, 654-655(7th Cir. 2007). In making this determination, the Court considers factors including the stage of the litigation, whether the case involves complex issues or evidence, the litigant's communication skills and literacy, his prior experience with litigating, and issues with his health or mental capacity. *Id.* at 655-56. As is evident from the Court's Order, these factors were considered.

Plaintiff now contends that his transfer to another facility makes investigation an impossibility. He does not elaborate however, as to what "investigation" he seeks to undertake that would be impossible. Further, while he indicates that he wishes to depose defendants and

other witnesses, he is not foreclosed from doing so without representation. Finally, Plaintiff speculates that there will be documents that “will be forbidden” for him to view. If this issue arises, the Court will revisit the need for counsel at that time. The motion to reconsider is **DENIED.**

**IT IS SO ORDERED.**

**DATED: August 12, 2021**

*s/ Staci M. Yandle*  
**STACI M. YANDLE**  
**United States District Judge**